



~Shoreline Public Forum~

City of Burien Shoreline Master Program Update

Buffers, Non Conformance, Vegetation Management, Public Access

June 21, 2010

Dimensional Standards

SMP Chapter IV, Figure 5 (pg. IV-12)

Riparian buffers

Marine 50 ft.

+15 ft. building setback

Lake Burien 30 ft.

+15 ft. building setback

Vegetation conservation buffer

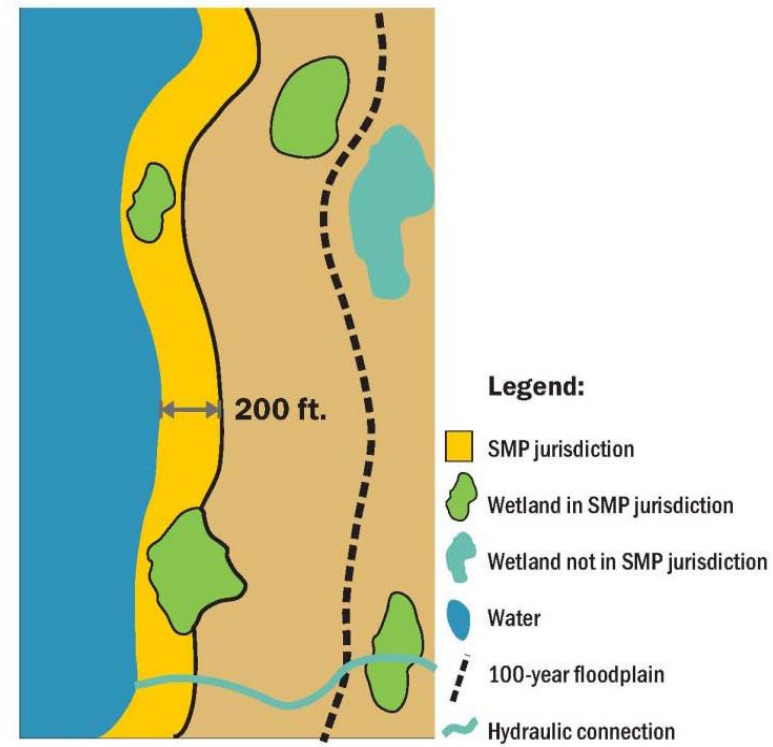
Shoreline residential 150 ft.

Urban conservancy 200 ft.

Building coverage

Shoreline residential 35%

Urban conservancy 30%

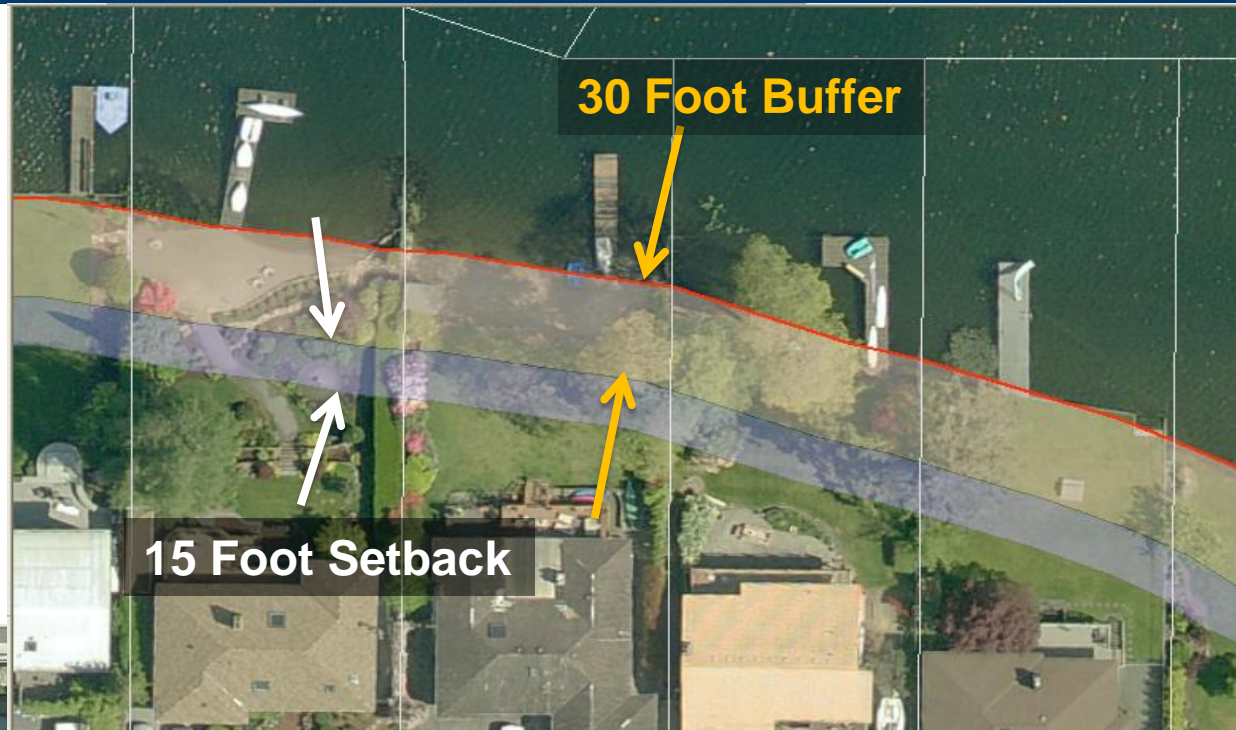


Shoreline Buffers – Lake Burien

Lake Burien

30 feet

+15 foot bldg setback



Current standard
20 foot setback

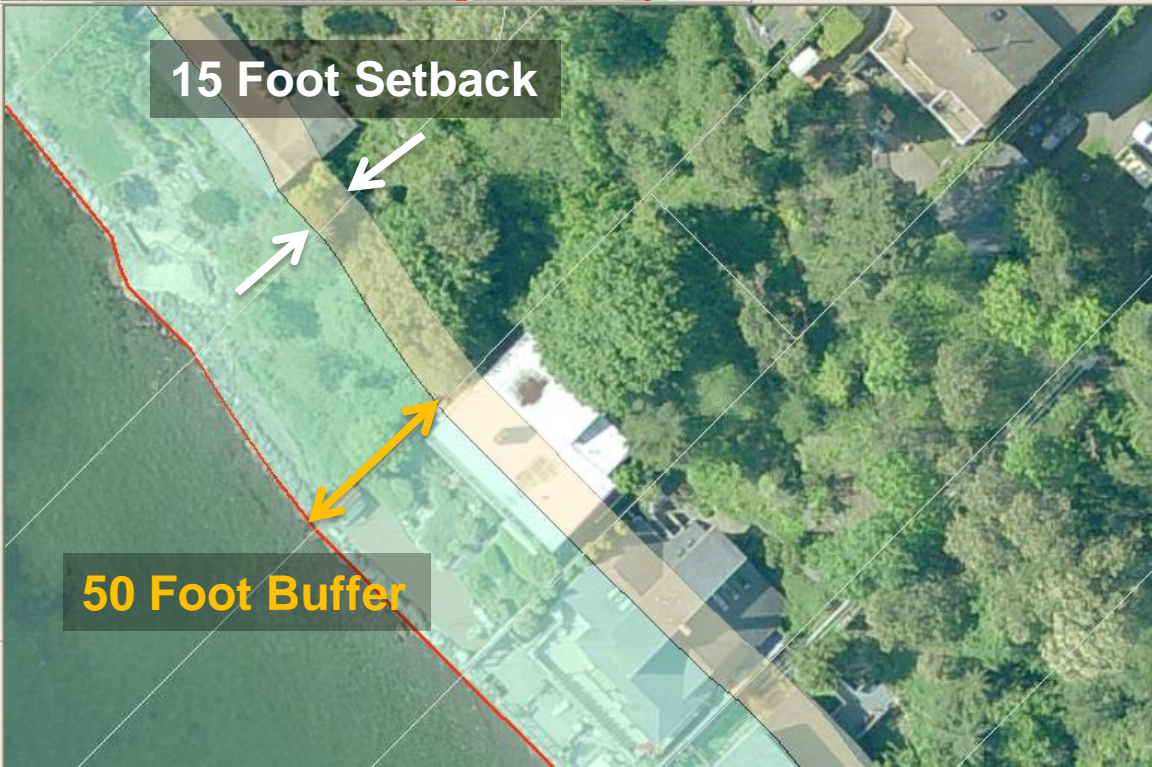
Shoreline Buffers – Puget Sound



Puget Sound

50 feet

+15 foot building setback



**Current standard
20 foot setback**

Development Scenario 1

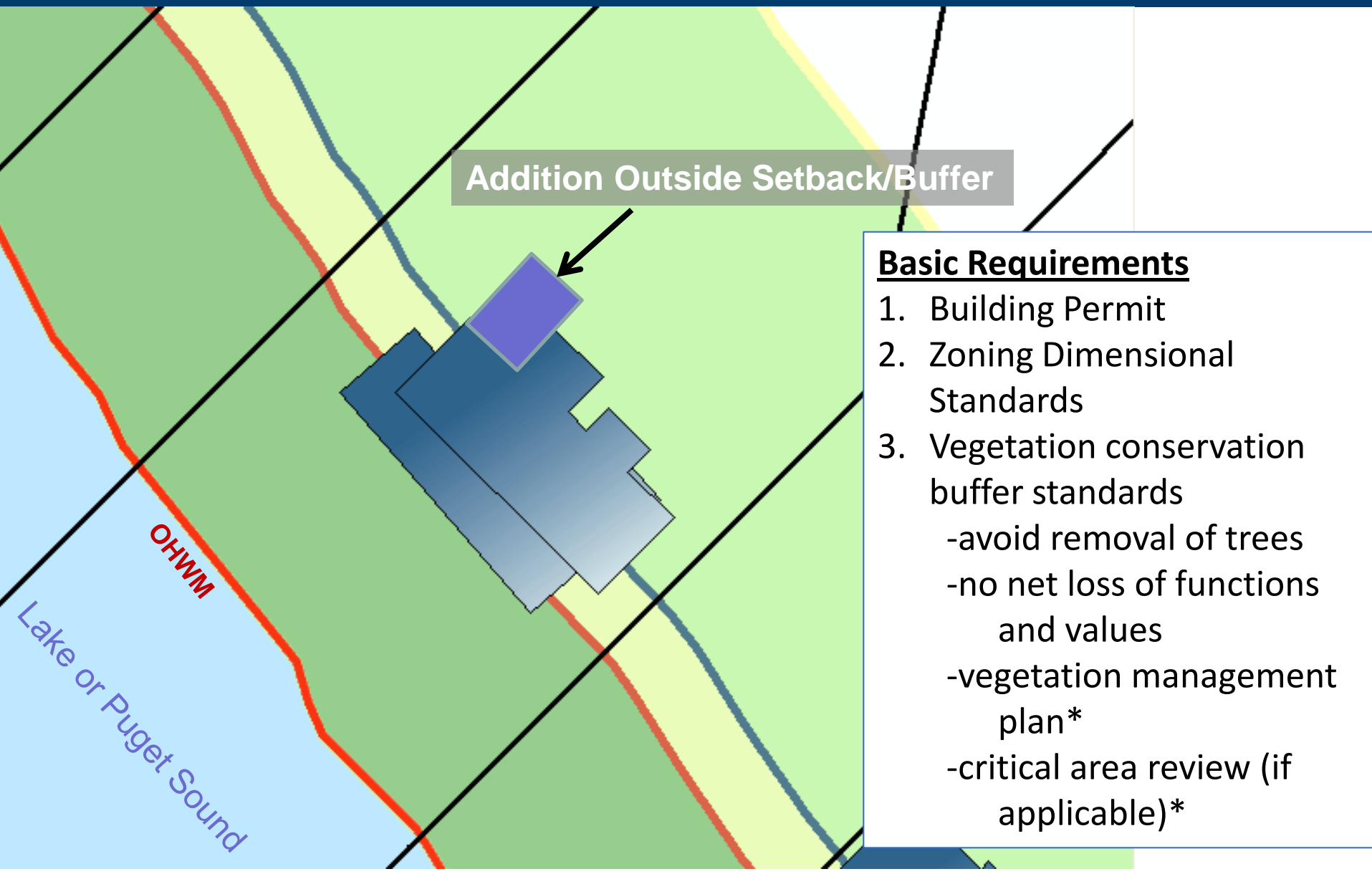


Addition within existing footprint

Basic Requirements

1. Building permit
2. Zoning dimensional standards

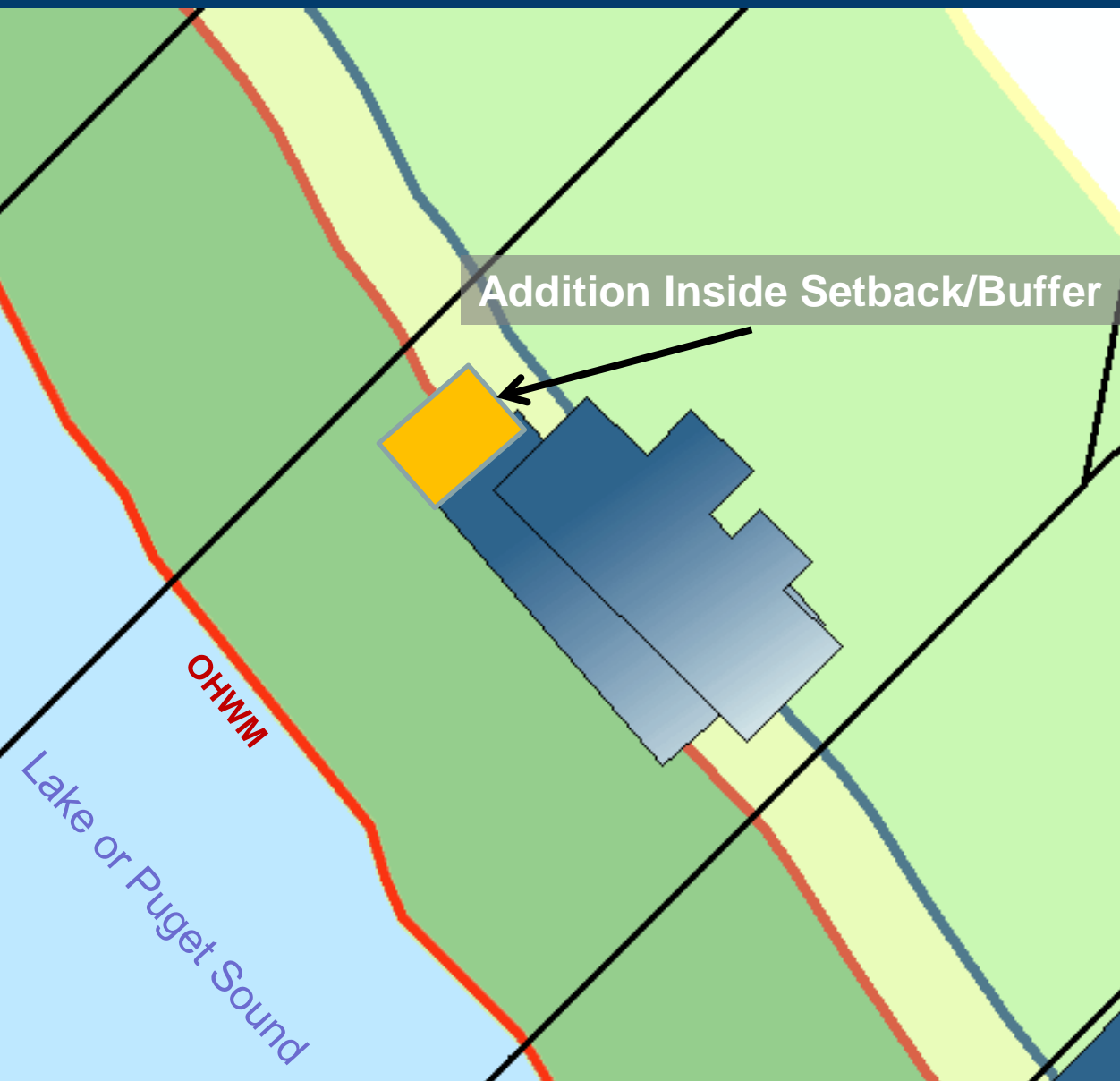
Development Scenario 2



Basic Requirements

1. Building Permit
2. Zoning Dimensional Standards
3. Vegetation conservation buffer standards
 - avoid removal of trees
 - no net loss of functions and values
 - vegetation management plan*
 - critical area review (if applicable)*

Development Scenario 3

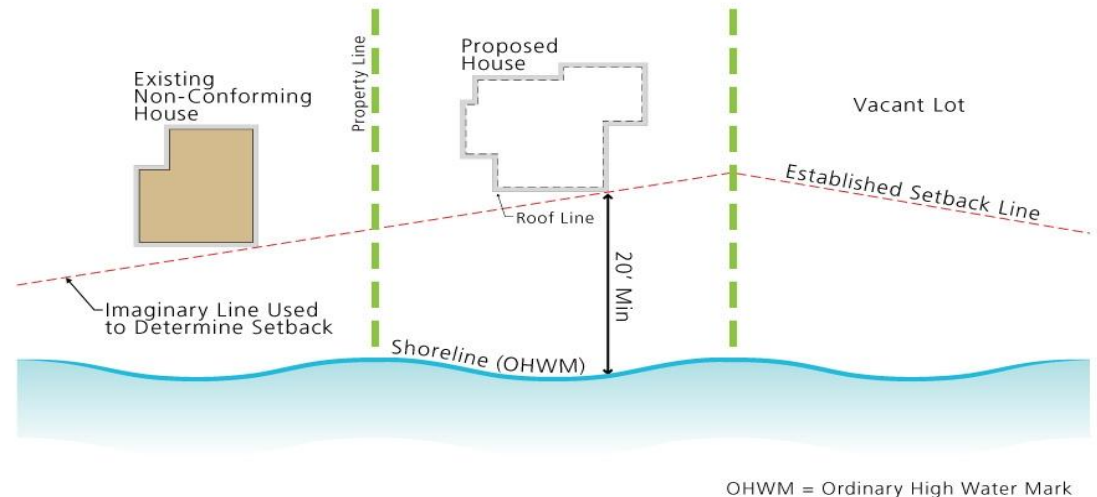
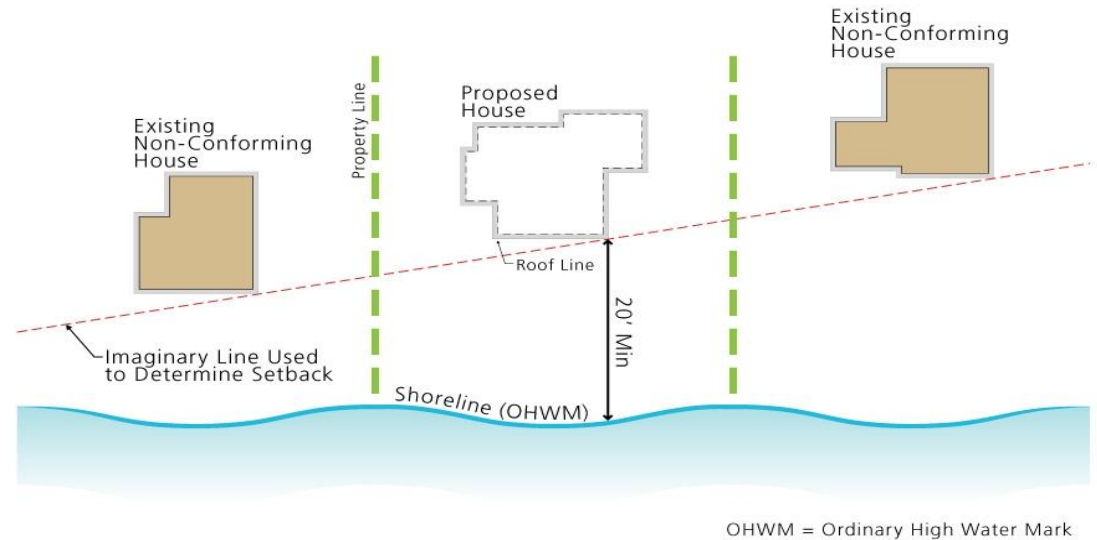


Basic Requirements

1. Building Permit
2. Zoning dimensional standards
3. Critical area review required (if applicable)
4. Result in no loss of ecological function
5. Avoid removal of trees
6. Cannot extend further into side yard setbacks
7. Vegetation management provisions
 - Emphasis on plantings in 20 feet near OHWM
 - New lawn is prohibited
 - Natural landscaping
 - Use native plants
 - Limit use of fertilizer and pesticides

Waterfront Residential

Common line Riparian buffer & Building setback



Non Conformance

Nonconformance Defined.

“A nonconforming use or structure means a shoreline use or development which was lawfully constructed or established prior to the effective date of the Shoreline Management Act or the City of Burien’s shoreline master program, or amendments thereto, but which does not conform to currently adopted regulations or standards.”

Non Conformance, cont.

- *“may continue as legal nonconforming uses”* (BSMP 20.35.045[2])
- *“may be maintained, repaired, enlarged or expanded”* (BSMP 20.35.045[2])
- *“Non-conforming single family residences may be expanded..”*
Addition of to a structure less than 500 square feet of building coverage requires a Shoreline Substantial Development Permit. (BSMP 20.35.045[2 & 5]).
- **Expansion waterward may occur** using the common line setback provision (BSMP 20.30.095 [2.c]).

Non-conformance, reconstruction

- If a single family residential structure is damaged less than 75% of the value of the structure....
 - May be replaced as is.
 - Disturbed areas shall be re-vegetated with native plantings that mimic natural conditions (BSMP 20.30.040[2.c.iii]).

Non-conformance, reconstruction cont.

A non-conforming structure destroyed, deteriorated, or damaged more than 75% of the assessed value of the *nonconforming structure* as established by the most current county assessor's tax roll ...may be reconstructed only insofar as it is consistent with the following:

- ✓ located landward of the ordinary high water mark.
- ✓ The area between the nonconforming structure and the OHWM shall meet the vegetation conservation standards .
- ✓ The reconstruction shall not cause adverse impacts to shoreline ecological functions or processes.
- ✓ The action shall not extend either further waterward than the existing primary residential structure (not appurtenance), further into the minimum side yard setback, or further into the riparian buffer than the existing structure. Encroachments that extend waterward or further into the riparian buffer, or the minimum required side yard setbacks require a variance.
- ✓ An application is filed to reconstruct the structure within 18 months of the date of the damage. (BSMP 20.35.045[4])

Vegetation Alterations

What is an “Alteration”?

20.40.000 Alteration *means any human activity which results or is likely to result in an impact upon the existing condition of a critical area.*

Alterations include, but are not limited to, grading, filling, dredging, draining, channelizing, applying herbicides or pesticides or any hazardous substance, discharging pollutants except storm water, grazing domestic animals, paving, constructing, applying gravel, modifying for surface water management purposes, cutting, pruning, topping, trimming, relocating or removing vegetation or any other human activity which results or is likely to result in an impact to existent vegetation, hydrology, wildlife or wildlife habitat. Alterations do not include walking, fishing or any other passive recreation or other similar activities.

What is the purpose of a vegetation conservation buffer?

- To satisfy the “no net loss” standard and to ensure the ecological functions of the shoreline areas are maintained.
- Combining the practice of vegetation management with the buffers is intended to maintain and ensure the ecological functions of the buffers are maintained.
 - Water quality
 - Shade/Microclimate
 - Large woody debris
 - Litter fall
 - Fine sediment control
 - Wildlife
 - Hydrology/Slope Stability

Vegetation Management/Alterations



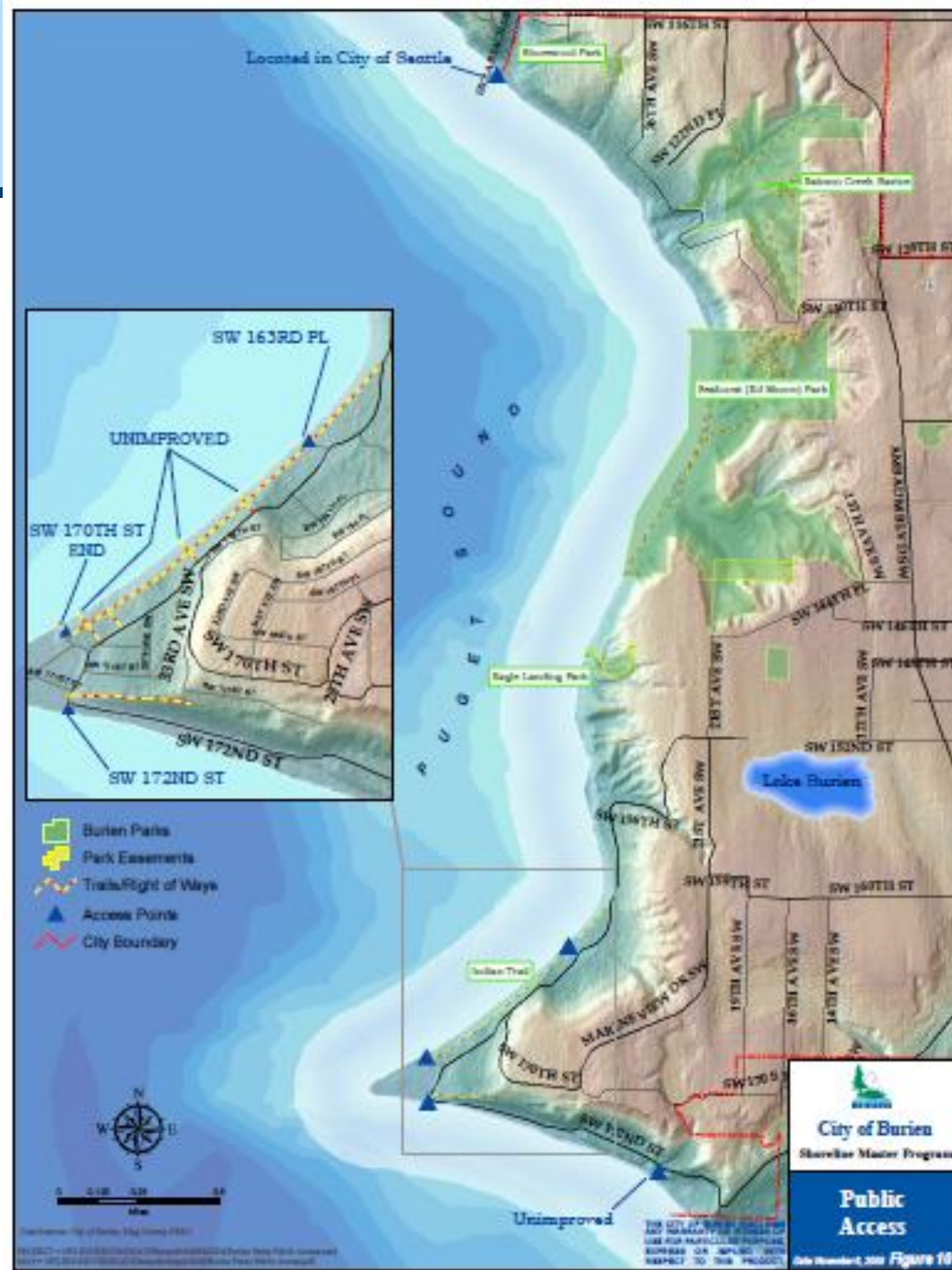
Alterations within the Shoreline Vegetation Conservation Area

(20.30.040).

- Avoid removal of trees (20.30.040[2.e] & 20.30.100[2.f]).
- Development shall result in no loss of ecological value or function (20.30.040[2.a]).
- Vegetation management plan Required (20.30.040[2.b]).
- Comply with Critical Areas BMC19.40. Which also allows ... pursuant to 19.40.290[3.D] *"limited trimming and pruning of vegetation for the creation and maintenance of views... in accordance with the pruning standards of the International Society of Arboriculture; provided soils are not disturbed and the activity will not increase the risk of landslide or erosion."* BMC 19.40.290[3.F]

What is allowed within the Vegetation Conservation Buffer?

- **Maintenance of existing conditions is allowed.**
- **Alterations that do not result in a net loss of ecological function are allowed pursuant to a vegetation management plan** (BSMP 20.30.040).



Public Access Points (SW 171st Street)



PUBLIC BEACH USE

1. Public beach use limited to the hours between sunrise and sunset, daily.
2. No alcoholic drinks shall be consumed.
3. Dumping of refuse/litter is prohibited.
4. Starting fires for any purpose is prohibited.
5. No motorized vehicles allowed.
6. Small boat launch use only.

Any violation of this ordinance is a misdemeanor and is punishable by fine not exceeding \$200, 90 days in jail or both.
By order of the Burien Municipal Code.

NO
PARKING
ANY
TIME

Public Access Points (SW 171st Street)



Public Access Points (SW 171st Street)



SW 163rd Street



SW 163rd Street



SW 163rd Street



Lake Burien (visual access only, SW 156th & 12th Ave SW)



Seahurst Park



Eagle Landing Park



Key objectives/regulations relating to Access

- **Designed to provide for public safety and minimize potential impacts to private property and individual privacy.** (BSMP 20.30.035[1.a])
- **Street ends, rights-of-ways and other public lands shall provide maintain, enhance and preserve visual access to the water.** (BSMP 20.30.035[2.a]).
- **Result in no net loss of ecological functions.** (BSMP 20.30.035[2.g])
- **Access is required for new subdivisions 5 lots or greater.**(BSMP 20.30.035[2.d])
- **Access is not required if demonstrated to be infeasible because of incompatible uses, safety, security, or constitutional and other legal limitations.** (BSMP 20.30.035[2.e])

Bulkhead Repair and Replacement

Repair and replacement is allowed (BSMP 20.30.070[2.d])

- Shall not protrude waterward of existing structure
- Size and quantity of material shall be the minimum necessary
- Bulkhead design to minimize transmission of wave energy. (this is to reduce impacts to the benthic environment)



Shoreline Armoring/Bulkheads

NEW Bulkheads

- Are allowed but must show demonstration of need by a geotechnical analysis (BSMP 20.30.070[2.c])
- Non-structural methods preferred. Soft approaches include:
 - Vegetation enhancement
 - Upland drainage control
 - Beach enhancement
 - Anchor trees
 - Gravel placement.

Alternative Designs 1



Alternative Designs 2



Other Issues

Mooring Buoys

- 1 per single-family lot (BSMP 20.30.090[2.d])
- Mooring Buoys subject to Department of Natural Resources registration and guidelines
- Not allowed on Lake Burien (BSMP 20.30.090[2.j])

Questions and Dialog.....